

REMARKS

I. INTRODUCTION

Provided above, please find a claim listing which includes the current amendments to claims 1, 5, 8, 16, 17, 23, 27, 30, 38, 39, 46, 47, 49, and 51-53, and addition of new claims 64-69. Support for the new claims 64-69 can be found, e.g., in paragraphs [0002], [0007], [0008], [0053], and [0068] of the published application (Publication No. US 2003/0101145). Thus claims 1, 3-5, 7, 8, 10, 11, 13-17, 20-23, 25-27, 29, 30, 32, 33, 35-39 and 42-69 are currently pending in this application. Applicants respectfully assert that the amendments to the claims and the addition of new claims fully comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II. REJECTIONS UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN

A. Claims 8, 10, 11, and 13-15

Claims 8, 10, 11, and 13-15, stand rejected under 35 U.S.C. § 112 as allegedly being indefinite. (*See* Office Action, page 3). In particular, the Examiner alleges that there is no antecedent basis for the limitation “the information configuration data” in line 5 of claim 8. Claims 10, 11, and 13-15 which depend from claim 8

Applicants respectfully note that the limitation recited in claim 8 is “the information” which is recited in line 3 of claim 8, and that the “configuration data” recited in claim 8 is generated from the information. Applicants have amended claim 8 to clarify the recitation of the claim limitations therein.

Thus, Applicants respectfully request that the rejection of claim 8 under 35 U.S.C. § 112, and of claims 10, 11, and 13-15 which depend therefrom, is now moot, and therefore should be withdrawn.

B. Claim 17

Claim 17 stands rejected under 35 U.S.C. § 112 as allegedly being indefinite. (*See* Office Action, page 3). In particular, the Examiner alleges that the term “a time proximate to a time at which the at least one activity is performed” recited in claim 17 is not defined by this claim, and that the specification purportedly does not provide a standard for ascertaining the requisite degree.

Applicants have amended claim 17 to recite that the detection of the activity is performed in real-time. Support for this amendment can be found, *inter alia*, in paragraph [0033] of the published application (i.e., U.S. Publication No. U.S. 2003/0101145). Thus, Applicants respectfully request that the rejection of claim 17 under 35 U.S.C. § 112 is now moot, and therefore should be withdrawn.

III. REJECTION UNDER 35 U.S.C. § 102 SHOULD BE WITHDRAWN

Claims 1, 3-5, 7, 8, 10, 11, 14-17, 20, 23, 25-27, 29, 30, 32, 33, 35-39, and 42-63 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,877,093 issued to Desai et al. (the “Desai Patent”). (*See* Office Action, page 4). Applicants respectfully assert that the Desai Patent fails to disclose the subject matter recited in amended independent claims 1, 8, 16, 23, 30, and 38, and the claims which depend therefrom, as provided in further detail below.

In order for a claim to be rejected as anticipated under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. Manual of Patent Examining Procedures, §2131; *also see Lindeman Maschinenfabrik v. Am Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

The Desai Patent describes a transaction processing device and system that is capable of configuring the device or synchronizing software modules of the device remotely using a secure connection. (See Desai Patent, col. 3, line 61 through col. 4, line 46; and Fig. 8). The Desai Patent further describes a system in which a subscriber accesses a web site of a provider, and selects a terminal to reconfigure. A server then communicates with the terminal, and executes the configuration protocol. (See *id.*, col. 12, line 56 through col. 13, line 40; and Fig. 8). One or both of the server and terminal can authenticate the other prior to reconfiguration by providing authentication information for security purposes. (See *id.*, col. 13, line 31 – col. 14, line 15).

A. Claims 1, 3-5, 7, 23, 25-27, 29, 45, 46, 50, 51, 54, 57, 60, 62, 64, and 67

It is respectfully asserted that the Desai Patent fails to disclose a method for downloading an application to a card terminal in which, *inter alia*, **a card terminal is monitored using a processing arrangement, an activity of a financial transaction performed at the card terminal is detected and, based on the detection, information related to the request is electronically transmitted to the card terminal**, as recited in amended independent claim 1. Amended independent claim 23 relates to an apparatus, and recites similar subject matter.

The Desai Patent describes a method for configuring a transaction processing terminal based on a remote request, in which the selected terminal and **a server can authenticate each other prior to configuring the terminal**. (See Desai Patent, col. 13, line 31 – col. 14, line 15; see also Fig. 8, steps 807-811). Such activity can include a user providing an identifying token, or the terminal **initiating contact with the server for authentication purposes**. (See *id.*, col. 13, lines 31-62). Applicants respectfully submit that **such activity detected at a terminal as described in the Desai Patent is performed for authentication purposes, and is *not* an activity of a financial transaction performed at the card terminal** as recited in amended independent

claims 1 and 23. Any activity detected at a terminal as described in the Desai Patent is performed **to authenticate a user** to allow subsequent configuration of the terminal. (*See id.*, col. 14, lines 5-35). Although the terminal described in the Desai patent may be capable of participating in a financial transaction, such detected activity is ***not* an activity of a financial transaction**, as recited in amended independent claims 1 and 23, but rather **an activity of an authentication and/or reconfiguration procedure**. Thus, the Desai Patent fails to disclose Applicants' invention as recited in amended independent claims 1 and 23.

Claims 3-5, 7, 45, 46, 54, 60, and 64 depend from amended independent claim 1, and claims 25-27, 29, 50, 51, 57, 62, and 67 depend from amended independent claim 23. Applicants respectfully assert that the subject matter recited in these claims is also not disclosed by the Desai Patents for at least the reasons provided above with reference to amended independent claims 1 and 23.

Thus, for at least the reasons provided above, Applicants respectfully assert that claims 1, 3-5, 7, 23, 25-27, 29, 45, 46, 50, 51, 54, 57, 60, 62, 64, and 67 are allowable over the Desai Patent relied on by the Examiner, and request that the rejection of these claims under 35 U.S.C. § 102 be withdrawn.

B. Claims 8, 10, 11, 13-15, 30, 32, 33, 35-37, 47, 52, 55, 58, 61, 63, 65, and 68

It is respectfully asserted that the Desai Patent fails to disclose a method for providing configuration data to a card terminal in which, *inter alia*, **information relating to configuring a card terminal using a processing arrangement is received from a remote network connection, the card terminal is monitored using the processing arrangement, an activity of a financial transaction performed at the card terminal is detected and, based on the detection, configuration data is electronically transmitted to the card terminal using the**

processing arrangement, as recited in amended independent claim 8. Amended independent claim 30 relates to an apparatus, and recites similar subject matter.

In contrast, Applicants respectfully submit that the Desai Patent does not teach or suggest, much less disclose, *inter alia*, detecting **an activity of a financial transaction performed at the card terminal** and, **based on the detection of such activity**, electronically transmitting configuration data to the card terminal as recited in amended independent claims 8 and 30. As noted above with respect to claim 1, the Desai Patent describes a method where an activity performed at a terminal **for authentication purposes** (e.g., providing an identifying token) is detected. (See Desai Patent, col. 13, lines 31-62). Applicants respectfully submit that such activity detected at a terminal **is associated with authentication of the server** and/or terminal for security purposes, and is *not* an **activity of a financial transaction performed at the card terminal** as recited in amended independent claims 8 and 30. The activity detected at a terminal as described in the Desai Patent is performed to authenticate a user to allow subsequent configuration of the terminal. (See *id.*, col. 14, lines 5-35). Although the terminal may be capable of participating in a financial transaction, such detected activity described in the Desai Patent is *not* **an activity of a financial transaction**, as recited in amended independent claims 8 and 30, but rather **an activity of an authentication and/or reconfiguration procedure**. Thus, the Desai Patent fails to disclose Applicants' invention as recited in amended independent claims 8 and 30.

Claims 10, 11, 13-15, 47, 55, 61, and 65 depend from amended independent claim 8, and claims 32, 33, 35-37, 52, 58, 63, and 67 depend from amended independent claim 30. Applicants respectfully assert that the subject matter recited in these claims is also not disclosed

by the Desai Patent for at least the reasons provided above with reference to amended independent claims 8 and 30.

Thus, for at least the reasons provided above, Applicants respectfully assert that claims 8, 10, 11, 13-15, 30, 32, 33, 35-37, 47, 52, 55, 58, 61, 63, 65, and 67 are allowable over the Desai Patent relied on by the Examiner in rejecting these claims, and request that the rejection of these claims under 35 U.S.C. § 102 be withdrawn.

C. Claims 16, 17, 20-22, 38, 39, 42-44, 48, 49, 53, 56, 59, 66, and 69

Applicants' invention, as recited in amended independent claim 16, relates to a method for providing information to a remote network in which, *inter alia*, **a card terminal is monitored using a processing arrangement, an activity associated with a financial transaction performed at the card terminal is detected and, based on the detection, information relating to the activity is generated for network transmission and display**, as recited in amended independent claim 16. Amended independent claim 38 relates to an apparatus, and recites similar subject matter.

In contrast, Applicants respectfully submit that the Desai patent does not disclose, *inter alia*, a **detection of an activity of a financial transaction** performed at a card terminal and, **based on the detection of such activity**, a generation of information relating to the activity for network transmission and display, as recited in amended independent claims 16 and 38. As noted above with respect to claim 1, the Desai Patent describes a method where an activity performed at a terminal **for authentication purposes** (e.g., providing an identification token) is detected. (*See id.*, col. 13, lines 31-62). Applicants respectfully submit that such activity detected at a terminal as described in the Desai Patent is associated with authentication of the server and/or terminal for security and/or configuration purposes, and is *not* an **activity of a**

financial transaction performed at the card terminal as recited in amended independent claims 16 and 38. Although the terminal may be capable of participating in a financial transaction, such detected activity as described in the Desai Patent is ***not*** **an activity of a financial transaction**, as recited in amended independent claims 16 and 38, but rather **an activity of an authentication and/or reconfiguration procedure**. Thus, the Desai Patent fails to disclose Applicants' invention as recited in amended independent claims 16 and 38.

Claims 17, 20-22, 48, 49, 56, and 66 depend from amended independent claim 16, and claims 39, 42-44, 53, 59, and 69 depend from amended independent claim 38. Applicants respectfully assert that the subject matter recited in these claims is also not disclosed by the Desai Patent for at least the reasons provided above with reference to amended independent claims 16 and 38.

Thus, for at least the reasons provided above, Applicants respectfully assert that claims 16, 17, 20-22, 38, 39, 42-44, 48, 49, 53, 56, 59, 66, and 69 are allowable over the over the Desai Patent relied on by the Examiner in rejecting these claims, and request that the rejection of these claims under 35 U.S.C. § 102 be withdrawn.

IV. REJECTION UNDER 35 U.S.C. § 103 SHOULD BE WITHDRAWN

Claims 13, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Desai Patent. (*See* Office Action, page 6). Specifically, the Examiner alleges that the type of information transmitted, as recited in dependent claims 13 and 22, does not distinguish the claims from the prior art. The Examiner further alleges that claim 21 merely recites generating information for display, and that the configuration server described in the Desai Patent can format information for display. (*See id.*, pages 6-7).

Claim 13 depends from amended independent claim 8, and claims 21 and 22 depend from amended independent claim 16. Applicants respectfully assert that the Desai Patent fails to disclose the subject matter recited in such claims 8 and 16 as amended, and that the Examiner's arguments regarding the type of information to be displayed do not cure such deficiency. Thus, for at least the reasons described above with respect to amended independent claims 8 and 16, the Desai Patent fails to teach, suggest, or disclose the subject matter recited in claims 13, 21, and 22 which depend therefrom.

Thus, Applicants respectfully request that the rejection of claims 13, 21, and 22 under 35 U.S.C. § 103(a) be withdrawn.

V. CONCLUSION

In light of the foregoing, Applicants respectfully submit that pending claims 1, 3-5, 7, 8, 10, 11, 13-17, 20-23, 25-27, 29, 30, 32, 33, 35-39 and 42-69 are in condition for allowance. Prompt consideration, reconsideration and allowance of all of the claimed of the present application are therefore earnestly solicited. If any issues remain outstanding, the Examiner is invited to contact the undersigned via the telephone number provided below.

Respectfully submitted,

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